S.B.Cr.Misc. Bail App. No.4953/2007

(Kana Ram Vs. State of Rajasthan)

Date of order : December 04, 2007

HON'BLE MR.H.R.PANWAR,J.

Dr.S.S.Jodha, for the petitioner.
Mr.Ashok Upadhyaya, Public Prosecutor.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned and the challan papers. I have gone through the statement of the prosecution witnesses so far recorded.PW.26 Raju Ram is the first informant.

It is contended by the learned counsel for the petitioner that in the first information report Ex.P/80, the petitioner has not been named. The specific roll has been assigned to co-accused Bhanwara Ram, who was alleged to have been armed with sword and inflicted injuries to Pratapa Ram, who suffered single injury, which is incised wound alleged to have been caused by Bhawara Ram and Gopi Ram suffered injuries alleged to have been caused to him by Barchhi at the hands of Teja Ram. According to the learned counsel for the petitioner, firstly, the petitioner has not been named in the FIR, whereas all other accused have been named in the FIR. Even the injured eye-

witness did not name the present petitioner and no explanation is forthcoming for not mentioning the name of the petitioner in the F.I.R. Even on careful perusal of the statement of the first informant, who is said to be the eye-witness, no overt act has been assigned to the present petitioner.

Learned counsel for the petitioner submits that similarly situated co-accused Sardara Ram has been granted bail by this Court vide order dt. 20.11.2007 and the case of the present petitioner is not distinguishable from that of co-accused.

Having regard to the facts and circumstances of the case and the fact that neither the name of the present petitioner has been mentioned in the FIR as has been admitted by PW.26 Raju Ram, the first informant nor any roll or overt act has been assigned to him and the fact that the similarly situated co-accused has been granted bail, I consider it just and proper to enlarge the accused petitioner on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Kana Ram s/o Panna Ram be released on bail in FIR No.59/2006, P.S. Bap, Distt. Jodhpur provided he furnishes a personal bond in a sum of Rs.20,000/- with two sound and solvent sureties in the sum of

Rs.10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR),J.

m.asif/-